

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF
ELIZABETH H. DOWDA ✓
RICHARD R. HUMES ✓
PATRICIA JANET MEIKLEJOHN ✓
VANCE O. HUMES and MILDRED Y. HUMES, ✓
as Trustees for JANET L. HUMES and
TERRY Y. HUMES ✓
HARRY L. PORTER ✓
RALPH R. PORTER ✓
MIRIAM L. STEWART ✓
JULIA H. WARNOCK ✓
**Under the International Claims Settlement
Act of 1949, as amended**

Claim No. CU-3568

Decision No. CU 5527

Counsel for claimants:

Elizabeth H. Dowda:
Richard R. Humes:
Harry L. Porter, Ralph R. Porter,
and Miriam L. Stewart:

Julia H. Warnock:

Robert G. Young, Esq.
William A. Ingraham, Jr., Esq.

Andrews, Peterson & Spelman
by Charles F. Andrews, Esq.
Roy M. Woolf, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for \$8,072.05, was presented by William A. Ingraham, Jr., Esquire, as Administrator CTADBN of the Estate of Jennie M. Harvard, Deceased. An Order of Distribution and discharge of the Administrator having been entered by the Probate Court of Dade County, Florida, on October 16, 1961, the above-named legatees have been substituted as claimants in this matter. The decedent and the afore-said claimants have been nationals of the United States at all times pertinent to this claim.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States, . . .

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The record establishes that the late Jennie M. Harvard died testate on November 7, 1959, and that William A. Ingraham, Jr., Esquire, had been appointed Administrator Cum Testamento Annexo De Bonis Non of the estate on October 21, 1960. The record further establishes that the decedent had maintained a bank account at the Havana Branch of the First National Bank of Boston. Among the documents submitted was a bank statement of the said bank disclosing that the decedent had a balance of 8,072.05 pesos on November 4, 1959.

A number of laws and resolutions were issued in Cuba affecting banks, bank accounts and currency. Not all of these enactments or resolutions affect the account of the claimants in the instant claim.

Law 568, published in the Cuban Official Gazette on September 29, 1959, forbade the transfer of funds abroad, and effectively operated to block the funds of anyone who left the country. Law 930, published in the Cuban Official Gazette on February 23, 1961, gave the National Bank the power to effect centralization of liquid assets "temporarily" taken from the people. In effect this froze or continued the blocking of bank accounts.

CU-3568

By Law 963, published in the Cuban Official Gazette on August 4, 1961, a currency exchange was effected. Currency was turned in at centers provided and a new currency was provided. There was no change in value. However, each person was to receive 200 pesos in new currency, and all over that amount was placed in a special account in his name. This did not affect bank accounts already in existence. By Law 964, published in the Cuban Official Gazette on August 9, 1961, it was provided that the owners of the deposits created under Law 963 could draw up to 1,000 pesos, the balance up to 10,000 remained in his special account, and all over 10,000 passed to the State Treasury. There were some minor exceptions. However, Laws 963 and 964 do not affect the instant claim in which the account did not arise from such currency exchange.

Law 989, published in the Cuban Official Gazette on December 6, 1961, in its terms nationalized by confiscation all goods and chattels, rights, shares, stocks, bonds and other securities of persons who left the country of Cuba. This included such bank accounts as had not been established and confiscated by Laws 963 and 964, supra. From the foregoing, the Commission finds that the above described bank account, totalling 8,072.05 pesos, was taken by the Government of Cuba on December 6, 1961. (See Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966]; and Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

Further, the Commission finds that on December 6, 1961, the 8,072.05 pesos had a value of \$8,072.05 and that a loss was suffered in that amount within the meaning of Title V of the Act, as a result of the taking of the bank account by the Government of Cuba on December 6, 1961.

The record includes a certified copy of an Order of Distribution, dated October 16, 1961, issued by the Probate Court of Dade County, Florida, in the Estate of Jennie M. Harvard, Deceased. This court order discloses that distribution was to be made to the following persons in the amounts

shown hereafter, in the total amount of \$8,072.05:

Jose Rolando Millas y Velasco	\$1,587.68
Loretta Getfield	158.77
Blanche Smith	79.37
Richard R. Humes; Patricia Janet Meiklejohn; Vance O. Humes and Mildred Y. Humes, as Trustees for Janet L. Humes and Terry Y. Humes	793.82
Julia Harvard Warnock	317.54
Marion L. Stewart; Ralph R. Porter; Harry L. Porter	317.54
Remainder to Maria Luisa Velasco Fales	<u>\$4,499.79</u>
TOTAL	\$8,072.05

The evidence of record discloses that Jose Rolando Millas y Velasco, Loretta Getfield, Blanche Smith and Maria Luisa Velasco Fales have not filed claims against the Government of Cuba for losses suffered in connection with the aforesaid bank account of decedent. However, the evidence of record also discloses that they were not nationals of the United States at times pertinent to this claim within the meaning of Section 504 of the Act.

Marion L. Stewart is otherwise known as MIRIAM L. STEWART.

The Commission concludes that the claimants herein suffered losses within the meaning of Title V of the Act, as a result of the taking of the bank account by the Government of Cuba, as of December 6, 1961, as set forth hereafter:

<u>CLAIMANT</u>	<u>AMOUNT OF LOSS</u>
Elizabeth H. Dowda	\$ 317.54
Richard R. Humes	264.60
Patricia Janet Meiklejohn	264.61
Vance O. Humes and Mildred Y. Humes, as Trustees for Janet L. Humes and Terry Y. Humes	264.61
Harry L. Porter	105.84
Ralph R. Porter	105.85
Miriam L. Stewart	105.85
Julia H. Warnock	<u>317.54</u>
TOTAL	\$1,746.44

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATIONS OF LOSS

The Commission certifies that ELIZABETH H. DOWDA suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Seventeen Dollars and Fifty-four Cents (\$317.54) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement;

The Commission certifies that RICHARD R. HUMES suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Sixty-four Dollars and Sixty Cents (\$264.60) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement;

The Commission certifies that PATRICIA JANET MEIKLEJOHN suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Sixty-four Dollars and Sixty-one Cents (\$264.61) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement;

The Commission certifies that VANCE O. HUMES and MILDRED Y. HUMES, as Trustees for JANET L. HUMES and TERRY Y. HUMES, suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Two Hundred Sixty-four Dollars and Sixty-one Cents (\$264.61) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement;

The Commission certifies that HARRY L. PORTER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Five Dollars and Eighty-four Cents (\$105.84) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement;

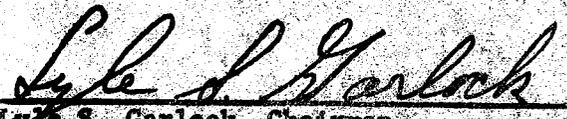
The Commission certifies that RALPH R. PORTER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Five Dollars and Eighty-five Cents (\$105.85) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement;

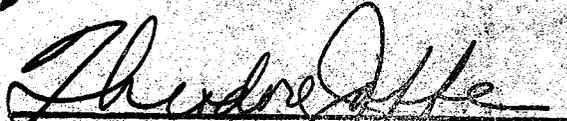
The Commission certifies that MIRIAM L. STEWART suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Five Dollars and Eighty-five Cents (\$105.85) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement; and

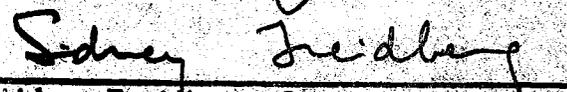
The Commission certifies that JULIA H. WARNOCK suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Seventeen Dollars and Fifty-four Cents (\$317.54) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

Dated at Washington, D. C.
and entered as the Proposed
Decision of the Commission

JUL 29 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

CU-3568